

Remarks

The Applicant notes with appreciation the withdrawal of the previous objection to the drawings and the rejection based on the White reference.

The Applicant notes the new rejection of Claims 1-10 under 35 U.S.C. §102 as being anticipated by Gross. In that regard, the Applicant notes with appreciation the Examiner's helpful and detailed comments regarding the application of selected portions of Gross to the Applicant's claims. The Applicant notes in particular the reliance on Gross at Columns 9-10, Lines 63-17 for the proposition that Gross discloses the claimed step of correlating at least one variable factor with failure and/or success and establishing communications with real addresses, and determining a new order of the sequence for sequentially searching through the real addresses based on the correlation. The Applicant respectfully submits that Gross fails to disclose this, either implicitly or explicitly for the reasons set forth in detail below.

The Applicant's Claim 1 specifies correlating at least one variable factor with failure and/or success in establishing communications with real addresses and determining a new order of the sequence for sequentially searching through the real addresses based on the correlation. The Applicant respectfully submits that Gross does not disclose any processing of factors relating to the success or failure of the call. Instead, Gross only connects the caller when an answer is obtained and addresses the situation wherein the call results in a "ring, no answer" or is "answered" by an answering machine. The disclosure of Gross recites the subsequent action of calling the next number in the sequence until all of the numbers have been exhausted in which case the caller is asked to call again or leave a message.

This is sharply contrasted to the Applicant's disclosure and to the above-noted portion of

Claim 1, for example. The Applicant specifically invites the Examiner's attention to Page 4, Lines 21-25 of the Applicant's Specification wherein it recites storing parameters in memory of each call and perform a processing based on parameters. Such processing evaluates the call partners' habits to adapt future call sequences to that particular call partner. The correlation of factor is part of a process to improve the number of successful calls. This is in no way disclosed by Gross.

Claim 1 also requires determining a new order of a sequence for sequentially searching through the real addresses based on the correlation. The Applicant's Specification explains this as well on Page 5 at Lines 1-2, for example. In that regard, the processing of correlation enables modification of the call sequence that was used. What this means is that the call sequence evolves or modifies over time as calls are established or fail. The Applicant respectfully submits that Gross fails to disclose this highly advantageous feature of determining a new order of the sequence.

In sharp contrast, and interpreted in its most favorable way, Gross suggests that a scheduled routing mechanism could be used as the "Find me" routing is exhausted. In the Gross system, there are at least two sequences, one for the scheduled routing and one for the "Find me" routing. Each sequence remains unchanged over the course of time. As a consequence, they do not evolve.

Although Gross discloses changes from one sequence to another sequence, Gross fails to disclose determining a new order of the call sequence which means that the sequence is changed.

Also, the Applicant respectfully submits that the rejection is in error with respect to the notion that Gross suggests that the scheduled routing may be used as the "Find me" routing is exhausted. Gross proposes a solution in which a "Find me" or a scheduled routing can be executed for routing the call. Gross discloses the routing as applied based upon routing options chosen by the subscriber such as at Col. 9, Lines 25-26.

This is sharply contrasted to the Applicant's claims which do not require a subscriber's action to route a call and adapt the call sequence. One advantageous feature of the Applicant's claimed subject matter is that it provides a solution in which the user does not need to intervene. As the choice of routing is performed by the subscriber, Gross applies the chosen routing, either the "Find me" routing or the scheduled routing as described in the abstract and shown in Fig. 5. While Gross discloses two alternative routing mechanisms, Gross does not disclose that the scheduled routing may be used as the "Find me" routing is exhausted.

Gross also fails to disclose determining a new order of the sequence is based on the correlation. As noted above, Gross discloses two alternative sequences (scheduled or "Find me"), a sequence of which is chosen based upon the subscriber's options. Each of the routing mechanisms is executed independently from one another: either the call is established and then the caller connected or all of the numbers of the call sequence are exhausted and then the caller is asked to call again or leave a message. Gross does not disclose that success or failure in one of the routing mechanisms may modify the other one. Therefore, there is no reason to consider that a routing mechanism is correlated with another routing mechanism. The Applicant therefore respectfully submits that Gross fails to disclose that determining a new order of the call sequence is based upon the correlation. As a consequence, the Applicant respectfully submits that Gross fails to disclose at least two specifically recited aspects of Claim 1. The Applicant therefore respectfully submit that all of Claims 1-10 are not anticipated by Gross which all of the rejection is respectfully requested.

The Applicant has amended Claim 7 to substitute "modifying" for "changing." This may be found in the Applicant's Specification at Page 5, Line 1.

The Applicant respectfully submits that Gross fails to disclose a system that changes the

sequence order such as is recited in Claim 7 as “means for modifying the order in which the addresses are sequentially called based on the optimal sequences.” In sharp contrast, Gross discloses two static sequences that do not evolve. One or the other can be used to achieve the routing. However, whether the routing is a success or failure, Gross does not disclose modifying or changing those sequences. Thus, the Applicant respectfully submits that Claim 7 is allowable over Gross.

Claim 10 specifies “recording data comprise of the real address from which the positive response was received and one or more variable factors associated with the communication, at least one of the variable factors being selected from the group consisting of time of day and day of week, processing the data to determine an optimal order to sequentially search the real addresses for a particular time of day or day of week, and changing the order of which the real addresses are sequentially searched for the time of day or day of week.” As noted above, Gross fails to disclose storing factors associated with communication whose processing of correlation enables a modification or changing of the order of the sequence. This is because the sequence in Gross does not evolve. As a consequence, the Applicant respectfully submits that Gross fails to disclose such a modification of order. Thus, the Applicant respectfully submits that Gross is inapplicable to Claim 10 as well.

In light of the foregoing, the Applicant respectfully submit that the entire application is now in condition for allowance, which he respectfully requested.

Respectfully submitted,



T. Daniel Christenbury
Reg. No. 31,750

TDC:as
(215) 656-3381